Mr. Sankara Menon.—I beg permission of the Council to introduce the tories Bill at the next meeting.

Seconded by Mr. Vieyra.

Permission was granted accordingly.

THE CIVIL COURTS BILL.

Mr. Ananda Rao.—Mr. President and Gentlemen :—The present constitution of the Civil Courts of the State is based upon Regulation I of 1057, as amended by Regulations III of 1066 and I of 1077. It has been repeatedly brought to the notice of Government that the work in the Civil Courts is congested and that provision should be made for its relief. Towards the accomplishment of this object, a Civil Courts Amendment Regulation was introduced at a meeting of the Council held on the 16th September 1905. The then proposed Bill somehow fell through at the meeting of the Council held on 9th June 1906.

The evil complained of, namely, the congested nature of the work in the Civil Courts of the State, has been waxing stronger and stronger and it has become absolutely necessary that some remedy should be immediately sought for and applied. With this object in view, an amending Regulation affecting the Civil Courts in the State has been drawn up, which I now introduce in the Council.

I do not expect that there can be two opinions as regards the necessity for affording relief to our congested Civil Courts. The present Bill aims at supplying this want, and so far as its principle is concerned, I believe I am not hoping too much when I say that all of us will be agreed in approving of it, whatever may be individual opinions concerning its several provisions. I move therefore for discussion of the general principle of the Bill.

Seconded by Mr. Govinda Pillai.

Mr. Raman Tampi.—As I see in the statement of objects and reasons to the Bill, the principal proposals made in the present Bill are (1) to enhance the Small Cause jurisdiction of Munsiffs, (2) to raise their ordinary jurisdiction, (3) to remove an anomaly in regard to appeals in suits of above Rs. 500 in value disposed of by Munsiffs, which now lie direct to the High Court. And now I learn from the speech of the Mover that the main object of the Bill is to relieve the congestion of the work in the Civil Courts and this is proposed to be done by the changes suggested.

We know that, as a Small Cause Court Judge, a Munsiff is compelled to dispose of 30 or 40 suits in an hour and in most cases no appeal whatever lies from the decisions, and a revision only lies on points of law. It is almost tantamount to committing the small wealth of the ordinary day-labourers and poor citizens to the hands of gentlemen who have neither the leisure nor the opportunity to satisfactorily deal with the justice or injustice of their claims. I would therefore object to the enhancement of the Small Cause Jurisdiction of the Munsiffs. It seems to me that by enhancing the ordinary civil jurisdiction of the Munsiffs, we are making it more easy for the litigiously inclined public to avail themselves of the means at their disposal. This is not desirable.

I may also say that the advantage of having an appeal heard by a bench of two judges in the High Court is one the value of which we cannot exaggerate. In the case of an appeal which is taken directly to the District Court, we have got only one judge to hear the appeal.

Moreover, in the interests of the litigant public, there is another advantage, viz., that litigation is made less expensive. In the case of an appeal preferred by a party to the Zillah Court, whether or not he has a chance of winning it, he almost always wants to take a second appeal to the High Court.

For these reasons, Sir, I beg to oppose the motion for the affirmation of the principle of the Bill.

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Mr. Udaya Varma Raja.—After what has been so ably said by my learned friend, Mr. Raman Tampi, I have only to offer a few remarks on the proposed modifications. I do not see how they can give relief to all classes of our Civil Courts. The High Court may be relieved of a large part of its work by appeals in suits of above Rs. 500 being preferred to the District Courts in the first instance. When the ordinary jurisdiction of Munsiffs is raised, there may be a fall in the number of original suits that come before the District Judges. The files in Munsiffs' Courts are already very much on the increase and the hard-worked Munsiffs are not able to cope with the increase of work. Looking at the arrears at the close of the years 1079, 1080 and 1081, there is reason for fearing that they may yet increase by the contemplated change. I do not think it safe therefore to raise the ordinary jurisdiction of all Munsiffs alike at one stroke. With these remarks I beg to affirm the general principle of the Bill.

Mr. Kuruvila.—The Bill is evidently proposed to meet the increase in the work of the Civil Courts. This object is no doubt very desirable. But I have serious doubts as to whether the method suggested in the Bill is the appropriate one to be adopted for this purpose.

From a recent pronouncement in this Council, I find that, in more than half the number of second appeals in the High Court in one year, the value did not exceed Rs. 200 individually. The truth is that the possessor of Rs. 200 is considered by the average Travancore peasant as fairly well-to-do, and that his low standard of affluence makes him "compass sea and land" to secure justice in his claims for such an amount. To make such an amount the Small Cause jurisdiction of a Munsiff appears to me to be extremely oppressive in the face of the above fact.

It is needless to add facts or arguments to support my belief, that the other two proposed modifications of raising the ordinary jurisdiction of Munsiffs and the appellate authority of the Zillah Courts, are also unsuited to the conditions of Travancore. I therefore humbly beg to submit that the principle of the Bill be modified to suit the above considerations.

President.—The motion is whether the principle of the Bill now before us is to be affirmed.

Mr. Kuruvila.—I vote against the Bill as it stands.

Mr. Padmanabha Iyer.—The present constitution of the Zillah and the Munsiffs' Courts, barring the amendments made in 1066 and 1077, was established 26 years ago by Regulation I of 1057. Litigation has since largely increased and is still increasing and the burden of work has fallen on the shoulders of the Munsiffs. The congestion of work in the Munsiffs' Courts and the consequent delay and hardship to suitors demand an urgent remedy. The necessity for the reorganisation of the Judicial system cannot therefore be gainsaid.

The increase in the money value of suits triable as Small Causes, appears to be the only practical and feasible solution for giving relief to the over-worked Munsiffs, and coping with the increasing litigation without continually adding to the number of Munsiffs, which is not desirable. The raising of the Small Cause jurisdiction of Munsiffs from Rs. 30 to Rs. 50 appears to have worked well in practice and a still further increase may now be safely ventured upon. Whether the limit should be Rs. 100 or Rs. 200 is however a matter for consideration. What I suggest is that the Small Cause jurisdiction of all Munsiffs may be fixed at Rs. 50 and in exceptional cases it may be raised to Rs. 100, on the recommendation of the High Court. If this is found to work successfully, it may afterwards be raised to Rs. 200.

Similarly with regard to the original jurisdiction of Munsiffs, I would, before raising it in all cases from Rs. 1000 to Rs. 2000, try the increase in a number of cases, in other words, make Rs. 1000 the rule and Rs. 2000 the exception. The increase to Rs. 2000 may be made by a notification in the Gazette on the recommendation of the High Court. But these I believe are matters of detail which may well be left for consideration of the Select Committee. With these remarks I would affirm the principle of the proposed Bill.

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Mr. Vieyra.— I would affirm the principle of the Bill and leave the details to be settled by the Select Committee.

Mr. Govinda Pillai.—The problem of giving relief to the Munsiffs has to be solved. We have already 22 Munsiffs in the State, for an area which in British India would have at most 6 or 7 Munsiffs. Are we then to increase the number of Munsiffs indefinitely? I certainly think not. Some means must therefore be devised to cope with this increasing work and the enhancement of the Small Cause jurisdiction of the Munsiffs is one of such means.

As regards the scheme suggested by Mr. Padmanabha Iyer, that it would be better to have two grades of Munsiffs, one having jurisdiction up to Rs. 1000 and another created by empowering particular Munsiffs on the recommendation of the High Court with jurisdiction up to Rs. 2000, that is no doubt a good measure.

The proposal to start with empowering Munsiffs with Small Cause jurisdiction up to Rs. 100, with power vested in Government to raise the same in particular instances to Rs. 200, may be left to the Select Committee.

With these remarks I approve of the principle of the Bill.

The principle of the Bill was affirmed by a majority of the Council.

Mr. Ananda Rao then proposed that the Bill be referred to a Select Committee, consisting of Mr. Padmanabha Iyer, Mr. Sankara Menon, Mr. Vieyra, Mr. Kuruvila and the Mover, to report in two months.

The motion was put and agreed to.

THE REGISTRATION REGULATION AMENDMENT BILL.

Mr. Ananda Rao.— Sir, In accordance with the permision obtained at the last meeting, I beg now to introduce the Bill to amend the Registration Regulation (I of 1070). The Bill is now before you and the statement of objects and reasons clearly explains the amendments proposed. I would, therefore, move that the principle of the Bill be affirmed.

Seconded by Mr. Vieyra.

Under orders of the President, the Secretary then read out to the Council the letter from Mr. Raman Pillai, the Director of Registration, giving his views on the Bill.

Mr. Udaya Varma Raja.—Of the two changes contemplated by the Bill, the one proposing to do away with the presentation of copies of documents for registration is, no doubt, good. As many improved methods of providing against malpractices have been introduced in the department, there is no longer any necessity for insisting on copies of documents also being presented. Besides, the change when effected will save much time and labour.

But I do not think the other change is desirable. In the first place, it will deprive the registering offices of the advantages of close inspection by the District Registrar. In the second place, he will not be able to do much of registration work. In the third place his responsibility becomes divided.

I wish to observe here that there are other important points of difference between the Indian Registration Act and the Travancore Registration Regulation, which the member in charge of the Bill has failed to notice. Thirteen years have now elapsed since the Registration Regulation was passed by His Highness the Maha Raja. It is time therefore that it should be made in accordance with the policy of our progressive administration, perfect and up-to-date, by being re-cast upon the lines of the Indian Act.

I have also to observe that the learned Mover of the Bill failed to note that there is a correction needed in Section 78 of the Registration Regulation. It may be a clerical error. But there it is. The reference to Section 228 of the Penal

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